

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

CURTIS L. PRUITT,)	
)	
Plaintiff,)	
vs.)	
)	2:08-cv-121-JMS-MJD
LT. R. HENSLEY,)	
)	
Defendant.)	

**Entry Discussing Plaintiff's Objection to Video
Conference Trial and Trial Being Held in Indianapolis**

For the reasons explained in this Entry, the plaintiff's objection to video conference trial and trial being held in Indianapolis [139] must be overruled.

Discussion

The plaintiff is in the custody of the Federal Bureau of Prisons ("BOP"). He is confined at a BOP facility in Kentucky. The trial is scheduled for July 27, 2011. The plaintiff expects to remain in BOP custody at the time of trial. Because of the plaintiff's confinement in Kentucky, the court has announced its intent to pursue arrangements with the BOP to permit the plaintiff to participate in the trial via a video conference link.

The plaintiff has objected to the contemplated arrangements referenced above.

Although due process proscribes the denial of access to the courts, an inmate does not have a constitutional right to attend the jury trial of his civil rights suit challenging the conditions of his confinement. *Thornton v. Snyder*, 428 F.3d 690, 697 (7th Cir. 2005). There is no principled basis on which to recognize a different rule for bench trials. The court has determined that the plaintiff's participation in the trial in this case is required in order for him to receive a fair trial.

The plaintiff has not shown that the BOP will voluntarily arrange for him to attend the trial in this District. The plaintiff suggests that the court issue a subpoena or other order commanding his presence at trial.

The court will not issue a subpoena or an order which cannot be enforced. An order of the type the plaintiff seeks cannot be enforced. *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34 (1985). Accordingly, an order of the type the plaintiff seeks will not be issued.

If the plaintiff makes arrangements for his production at trial, the court will adjust the arrangements for the trial. In the absence of such arrangements, however, the trial will proceed as previously directed. The plaintiff's objection [139] to that arrangement is overruled. The plaintiff's motion seeking a response to his objection [143] is **denied as moot**.

IT IS SO ORDERED.

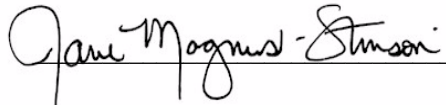
Date: 06/07/2011

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Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana